

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

lation be punished by a fine of \$500, or imprisonment for not more than 30 days, or by both. (R. S. c. 124, § 44. 1959, c. 282.)

Effect of amendment.—The 1959 amendment rewrote this section.

Budget Planning Business.

Sec. 51. Budget planning business prohibited.—No person, firm, association or corporation shall engage in the business of budget planning. The provisions of sections 51 to 53, inclusive, shall not apply to those admitted to the practice of law. (1955, c. 408.)

Sec. 52. Definition.—“Budget planning” means the making of a contract with a particular debtor, whereby the debtor agrees to pay a certain amount periodically to the person engaged in the budget planning, who shall distribute the same among certain specified creditors in accordance with a plan agreed upon. (1955, c. 408.)

Sec. 53. Penalty.—Whoever, either individually or as the officer or employee of any person, corporation or association, violates any of the provisions of section 51 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. (1955, c. 408.)

Blind Persons with Guide Dogs.

Sec. 54. Blind persons with guide dogs.—Notwithstanding any provision of the law, any blind person accompanied by a trained guide dog, which is used as a leader or guide, shall be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodations, within this state to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no blind person shall be required to pay any charge or fare on account of the transportation on any public conveyance of himself and such dog so accompanying him, in addition to the charge or fare lawfully chargeable for his own transportation. The management of any such public conveyances, public amusements and places of public accommodations may require a blind owner of a guide dog to show written evidence that his dog has been educated, trained and intended, in fact, to perform such guide service for him; and the foregoing management may also require the owner to muzzle his guide dog while on their respective premises. Whoever deprives any blind person of any right conferred by this section shall be punished by a fine of not less than \$100 nor more than \$300. (1959, c. 127.)

Chapter 138.

Crimes against Marital or Family Status and Children.

Desertion and Nonsupport.

Sec. 1. Desertion of wife or children in destitute circumstances or willful nonsupport, when a felony; court may direct fine paid to wife; or may order respondent to make weekly payments; condition of recognizance.

Courts having jurisdiction in the places of residence of any of the dependents or the responsible parent shall have jurisdiction of the subject matter. (R. S. c. 125, § 1. 1947, c. 369, § 1. 1959, c. 75, § 1.)

Cross reference.—See c. 158-A, §§ 1-10, re Uniform Gifts to Minors Act.

Effect of amendment.—The 1959 amendment added the above as the last para-

graph in this section. As the rest of the section was not affected by the amendment, it is not set out.

Sec. 2. Desertion of wife or minor children in destitute circumstances and willful nonsupport, when a misdemeanor.

Courts having jurisdiction in the places of residence of any of the dependents or the responsible parent shall have jurisdiction of the subject matter. (R. S. c. 125, § 2. 1947, c. 369, § 2. 1959, c. 75, § 2.)

Effect of amendment.—The 1959 amendment added the above as the last paragraph in this section. As the rest of the

section was not affected by the amendment, it is not set out.

Crimes against Children.

Sec. 9. Selling firearms or ammunition or dangerous weapons to children.

Cited in *State v. Barnette*, 158 Me. 117, 179 A. (2d) 800.

Sec. 12. Selling or giving intoxicating liquor to any child under 16 years.

Cited in *State v. Barnette*, 158 Me. 117, 179 A. (2d) 800.

Sec. 12-A. Sale of near beer to minors prohibited. — Any person who shall sell to a minor any malt beverage under the name of “near beer” or any other name which tends to infer that such beverage has an alcoholic content, or shall sell to a minor any malt extract which may be used in the manufacture of beer shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days. (1959, c. 155.)

Sec. 13-A. Aiding in delinquency of child under 17 years.—Any person who shall be found to have caused, induced, abetted, encouraged or contributed toward the waywardness or delinquency of a child under the age of 17, or to have acted in any way tending to cause or induce such waywardness or delinquency, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. (1955, c. 414, § 1.)

Aiding in the delinquency of a minor is a misdemeanor, and the legislative act outlawing such subversive evil is notably inclusive and comprehensive. *State v. Barnette*, 158 Me. 117, 179 A. (2d) 800.

The offenses of aiding child delinquency and statutory rape are distinguishable and not identical. They are not the same offense. *State v. Barnette*, 158 Me. 117, 179 A. (2d) 800.

Hence, plea of former jeopardy was properly overruled where it was raised in bar to an indictment accusing defendant of having unlawfully and carnally known and abused a female child of 12 years of age

(c. 130, § 10) on the basis of a prior conviction in a municipal court of having aided in the delinquency of a child (this section). Statutory rape is aiding juvenile delinquency plus the different criminal factor of sexual intercourse. Correlatively, statutory rape and aiding child delinquency are the greater and lesser offenses, one being a felony, the other a misdemeanor. The municipal court which adjudicated the misdemeanor had no jurisdiction of the felony, thus in the delinquency proceedings the defendant was not in jeopardy for statutory rape. *State v. Barnette*, 158 Me. 117, 179 A. (2d) 800.

Sec. 14. Violation of §§ 9, 12 and 13-A.—In order to find any person guilty of violating the provisions of sections 9, 12 and 13-A, it shall not be necessary to prove that the child is actually in delinquency or distress, provided it

appears from the evidence that through any act or neglect or omission of duty or by any improper act or conduct on the part of the accused the distress or delinquency of any child may have been caused or merely encouraged. (R. S. c. 125, § 13. 1955, c. 414, § 2.)

Effect of amendment.—The 1955 amendment added § 13-A to the sections referred to.

Quoted in State v. Barnette, 158 Me. 117, 179 A. (2d) 800.

Sec. 15. Jurisdiction.—In all prosecutions for misdemeanors under this chapter, the district court shall have original and concurrent jurisdiction with the superior court. (R. S. c. 125, § 14. 1963, c. 402, § 223.)

Effect of amendment.—The 1963 amendment deleted “the provisions of” preceding “this chapter,” substituted “the district court” for “trial justices within their respective counties” and deleted “municipal courts and” following “jurisdiction with.”

280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Application of amending act.—Section

Chapter 139.

Gambling. Bucket Shops. Lotteries. Beano.

Sections 13-A to 13-B. Bribery of Participants in Professional or Amateur Contests.

Sections 21 to 27. Beano or Bingo.

Section 28. Audience Participation.

Gambling.

Sec. 2. Keeping a gambling house or permitting gambling in house or shop.—Whoever keeps or assists in keeping a gambling house or tenement or other place occupied, used, kept or resorted to for the purposes described in section 12, or is found gambling or present as described in said section 12, or permits any person to gamble in any way in any tenement or other place under his care or control, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 4 months; and the municipal officers, constables and police officers of towns and cities and the assessors of plantations are required promptly to enforce the laws against gambling rooms and to make complaint against any person in their respective municipalities when there is probable cause to believe such person to be guilty of a violation of the provisions of this section. The district court shall have original jurisdiction, concurrent with the superior court, in all prosecutions for violations of this section. (R. S. c. 126, § 2. 1963, c. 402, § 224.)

Effect of amendment.—The 1963 amendment substituted “The district court” for “Trial justices” at the beginning of the last sentence and deleted “municipal courts and” preceding “the superior court” in that sentence.

280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Application of amending act.—Section

Sec. 8. Loser by gambling or betting may recover loss; form of execution.—Whoever, by gambling or betting on persons gambling, loses to any person so gambling or betting any money or goods, and pays or delivers any part thereof, may sue for and recover the same of the winner in a civil action brought within 3 months thereafter. If the loser does not, without covin or collusion, within said time prosecute therefor with effect, any other person may sue for and re-